

REMARKS

In the Office Action dated 19 April 2004, the Examiner rejected claims 1 – 13 under 35 U.S.C. §102 as anticipated by U.S. Patent No. 6,167,270 to Razaiifar et al., referred to herein as Razaiifar. In particular, the Examiner asserts that Razaiifar teaches releasing a portion of allocated traffic channel resources after the expiration of a first timer, and releasing the remaining allocated traffic channel resources after the expiration of a second timer. Applicants respectfully disagree and offer the following arguments to rebut the Examiner's rejections.

As described in the summary and in columns 15 – 17, Razaiifar teaches changing the operating mode of a remote station from a traffic channel mode to a suspended mode after a period of inactivity exceeds a first predetermined idle period, and changing the operating mode to a dormant mode after the period of inactivity exceeds a second predetermined idle period (column 16, lines 13 – 18). When placed in the suspended mode, "the traffic channel is released but the state information is retained by both remote station 6 and base station 4," where state information comprises traffic channel configuration information, such as "RLP state, the traffic channel configuration, the encryption variables, and the authentication variables" (column 16, lines 30 – 45). In other words, Razaiifar teaches releasing all of the traffic channel resources after the expiration of the first timer. In order to communicate new data, a new traffic channel must be assigned to the remote station to return the remote station to a traffic channel mode (column 16, lines 18 – 22).

In the current office action, the Examiner states that the data traffic channel and the channel that controls the data network connections (the control channel) of Razaiifar corresponds to the supplemental channel and the fundamental channel, respectively, of the present invention. However, Razaiifar does not support the Examiner's assertion. As described in column 3, lines 10 – 32, the traffic channel and the control channel are separate channels, where the traffic channel comprises the fundamental and supplemental channels. As such,

contrary to the Examiner's assertions, Razaiifar teaches releasing both the fundamental and supplemental channels when the remote station enters the suspended mode.

Contrastingly, independent claim 1 includes *inter alia* "releasing said supplemental channel if said packet data connection is inactive for a period that exceeds said duration value of said first timer while maintaining said connection with said fundamental frequency channel" (emphasis added). As discussed above, there is nothing in Razaiifar that teaches or suggests releasing the supplemental channel while maintaining the fundamental channel after the expiration of a first timer. As such, Razaiifar does not teach each and every limitation of claim 1, as required under §102. For at least this reason, independent claim 1 is novel over the cited art.

Independent claim 5 is an apparatus claim that corresponds to method claim 1. Claim 5 claims *inter alia* a base station programmed to "release said supplemental channel if said packet data connection is inactive for a period that exceeds said duration value of said first timer while maintaining said connection with said fundamental frequency channel" (emphasis added). Like claim 1, claim 5 also requires releasing the supplemental channel while maintaining the fundamental channel after the expiration of the first timer. Therefore, for substantially the same reasons provided above, independent claim 5 is also novel over the cited art.

Lastly, as amended claim 9 claims (emphasis added):

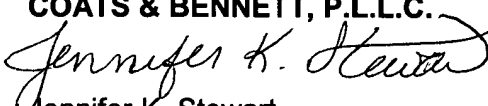
allocating resources to a connection between the radio network and a wireless access terminal in response to receiving a request from the wireless access terminal, said resources including traffic channel resources and base station controller (BSC) resources;
releasing a portion of the traffic channel resources allocated to the connection if the connection remains inactive for longer than a first time out period; and
releasing a remaining portion of the traffic channel resources and said BSC resources if the connection remains inactive for longer than a second time out period, said second time out period greater than said first time out period.

The amendments to claim 9 clarify that the RF resources do not include control channel resources. Claim 9 clearly claims that a portion of the traffic channel resources are released after the expiration of the first timer. As discussed above, Razaiifar teaches releasing all of the traffic channel resources after the expiration of the first timer. Because Razaiifar does not teach or suggest releasing only a portion of the traffic channel resources, Razaiifar cannot anticipate claim 9. As such, independent claim 9 is novel over Razaiifar.

Because independent claims 1, 5, and 9 are novel, dependent claims 2 – 4, 6 – 8, and 10 – 13 are also novel. Applicants respectfully request reconsideration.

In addition to the §102 rejections, the Examiner objected to Figures 3 – 5 for failing to comply with 37 C.F.R. §1.84(p)(4). Specifically, the Examiner objected to these figures because “reference characters ‘1, 2, 3, 4, 5, and 6’ have been used to designate signaling messages in Figure 4 and different signaling messages in Figures 3 and 5.” However, numbers 1, 2, 3, 4, 5, and 6, as used in Figures 3 – 5 are not reference characters. Instead, these numbers simply represent a sequential accounting of the steps used to implement the illustrated processes. For example, the number “1” in Figure 3 represents “step 1” of a process for setting up forward and reverse supplemental channels in an IS-2000 base station controller, while the number “1” in Figure 4 simply represents “step 1” of a process for releasing a forward supplemental channel. Because these numbers are not reference numbers, and because these numbers clearly represent different steps of different processes, Applicants submit that Figures 3 – 5 comply with 37 C.F.R. §1.84(p).

In light of the above arguments and amendments, Applicants submit claims 1 – 13 are patentably distinct from the cited art. As such, Applicants respectfully request the Examiner reconsider the rejections and objections and allow the application to move forward to allowance. If any issues remain unresolved, Applicants request the Examiner call the undersigned so that any such issues may be expeditiously resolved.

Respectfully submitted,
COATS & BENNETT, P.L.L.C.
By: 
Jennifer K. Stewart
Registration No. 53,639

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844

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